



General Assembly

January Session, 2005

Raised Bill No. 6870

LCO No. 4196

04196_____INS

Referred to Committee on Insurance and Real Estate

Introduced by:
(INS)

AN ACT CONCERNING NOTICE OF ZONE CHANGE APPLICATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-7d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) In all matters wherein a formal petition, application, request or
4 appeal must be submitted to a zoning commission, planning and
5 zoning commission or zoning board of appeals under this chapter, a
6 planning commission under chapter 126 or an inland wetlands agency
7 under chapter 440 and a hearing is required or otherwise held on such
8 petition, application, request or appeal, such hearing shall commence
9 within sixty-five days after receipt of such petition, application,
10 request or appeal and shall be completed within thirty-five days after
11 such hearing commences, unless a shorter period of time is required
12 under this chapter, chapter 126 or chapter 440. Notice of the hearing
13 shall be published in a newspaper having a general circulation in such
14 municipality where the land that is the subject of the hearing is located
15 at least twice, at intervals of not less than two days, the first not more
16 than fifteen days or less than ten days and the last not less than two
17 days before the date set for the hearing. In addition to such notice,

18 such commission, board or agency [may, by regulation, provide for]
19 shall mail notice to persons who own or occupy land that is adjacent to
20 the land that is the subject of the hearing. All applications and maps
21 and documents relating thereto shall be open for public inspection. At
22 such hearing, any person or persons may appear and be heard and
23 may be represented by agent or by attorney. All decisions on such
24 matters shall be rendered within sixty-five days after completion of
25 such hearing, unless a shorter period of time is required under this
26 chapter, chapter 126 or chapter 440. The petitioner or applicant may
27 consent to one or more extensions of any period specified in this
28 subsection, provided the total extension of all such periods shall not be
29 for longer than sixty-five days, or may withdraw such petition,
30 application, request or appeal.

31 (b) Notwithstanding the provisions of subsection (a) of this section,
32 whenever the approval of a site plan is the only requirement to be met
33 or remaining to be met under the zoning regulations for any building,
34 use or structure, a decision on an application for approval of such site
35 plan shall be rendered within sixty-five days after receipt of such site
36 plan. Whenever a decision is to be made on an application for
37 subdivision approval under chapter 126 on which no hearing is held,
38 such decision shall be rendered within sixty-five days after receipt of
39 such application. Whenever a decision is to be made on an inland
40 wetlands and watercourses application under chapter 440 on which no
41 hearing is held, such decision shall be rendered within sixty-five days
42 after receipt of such application. The applicant may consent to one or
43 more extensions of such period, provided the total period of any such
44 extension or extensions shall not exceed sixty-five days or may
45 withdraw such plan or application.

46 (c) For purposes of subsection (a) or (b) of this section and section 7-
47 246a, the date of receipt of a petition, application, request or appeal
48 shall be the day of the next regularly scheduled meeting of such
49 commission, board or agency, immediately following the day of
50 submission to such commission, board or agency or its agent of such

51 petition, application, request or appeal or thirty-five days after such
52 submission, whichever is sooner. If the commission, board or agency
53 does not maintain an office with regular office hours, the office of the
54 clerk of the municipality shall act as the agent of such commission,
55 board or agency for the receipt of any petition, application, request or
56 appeal.

57 (d) The provisions of subsection (a) of this section shall not apply to
58 any action initiated by any zoning or planning and zoning commission
59 regarding adoption or change of any zoning regulation or boundary.

60 (e) Notwithstanding the provisions of this section, if an application
61 involves an activity regulated pursuant to sections 22a-36 to 22a-45,
62 inclusive, and the time for a decision by a zoning commission or
63 planning and zoning commission established pursuant to this section
64 would elapse prior to the thirty-fifth day after a decision by the inland
65 wetlands agency, the time period for a decision shall be extended to
66 thirty-five days after the decision of such agency. The provisions of
67 this subsection shall not be construed to apply to any extension
68 consented to by an applicant or petitioner.

69 (f) The zoning commission, planning commission, zoning and
70 planning commission, zoning board of appeals or inland wetlands
71 agency shall notify the clerk of any adjoining municipality of the
72 pendency of any application, petition, appeal, request or plan
73 concerning any project on any site in which: (1) Any portion of the
74 property affected by a decision of such commission, board or agency is
75 within five hundred feet of the boundary of the adjoining
76 municipality; (2) a significant portion of the traffic to the completed
77 project on the site will use streets within the adjoining municipality to
78 enter or exit the site; (3) a significant portion of the sewer or water
79 drainage from the project on the site will flow through and
80 significantly impact the drainage or sewerage system within the
81 adjoining municipality; or (4) water runoff from the improved site will
82 impact streets or other municipal or private property within the

83 adjoining municipality. Such notice shall be made by certified mail,
84 return receipt requested, and shall be mailed within seven days of the
85 date of receipt of the application, petition, request or plan. Such
86 adjoining municipality may, through a representative, appear and be
87 heard at any hearing on any such application, petition, appeal, request
88 or plan.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	8-7d

Statement of Purpose:

To require notice of zoning hearings to be mailed to owners or occupants of adjacent properties when a zoning change is sought.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]